

## **REMARKS**

In response to the above-identified Office Action, Applicant amends Claims 1 and 9 and cancels Claims 2-5 and 10-13. No claims are added. Accordingly, Claims 1, 6-9 and 1-16 are pending in the application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

### **I. Objection to the Drawings**

The Examiner has objected to FIGS. 1-3 because FIGS. 1-3 should be designated by a legend such as -- Prior Art -- because only that which is old is illustrated. Applicant has amended FIGS. 1-3 to include the “Prior Art” legend. Replacement Sheets for FIGS. 1-3 are attached. Therefore, Applicant respectfully requests that the objection to the drawings be withdrawn.

### **II. Objections to the Claims**

Claims 1 and 9 are objected to for various informalities. In response, Applicant has amended Claims 1 and 9 in accordance with the Examiner’s suggestions. Applicant respectfully requests that the objection to Claims 1 and 9 be withdrawn.

### **III. Double Patenting Rejection**

Claims 1-5 and 9-13 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 7,301,994 issued to Park et al. (“Park”) in view of U.S. Patent No. 5,828,954 issued to Wang (“Wang”). Claims 6, 7, 14 and 15 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Park in view of Wang and further in view of U.S. Patent No. 6,658,261 issued to Winters et al. (“Winters”). Claims 8 and 16 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Park in view of Wang and further in view of Winters, and Applicant Admitted Prior Art (“AAPA”).

Applicant hereby submits a Terminal Disclaimer to overcome the rejections.

**IV. Claim Rejection under 35 U.S.C. §103(a)**

Claims 1-5 and 9-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Wang. Claims 6-8 and 14-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Wang and further in view of Winters.

Regarding the rejection of Claims 1-5 and 9-13, Applicant has amended independent Claims 1 and 9. AAPA, as shown for example in FIG. 3, and Wang show the AC filter 185 providing analog high-end queue signals into RF transmitter 190 which, as the Examiner notes at col. 6, lines 37-30, are up-converted to an IF signal followed by further conversion to an RF signal. However, as noted at page 13 of the Specification, and with reference to FIG. 5, the RF up-converting unit 560 directly converts the base band analog I and Q signals converted in the DAC 550 into RF, I and Q signals without passing through the intermediate frequency (IF band).

Since Wang's teaching requires up-converting to an IF signal, Applicant has amended Claims 1 and 9 to specify that the up-converting means directly up-converts the analog I signal and the analog Q signal, which are then added to obtain an RF signal. The claims distinguish over AAPA and Wang since the up-conversion into RF, I and Q signals is accomplished without passing through the IF band.

The limitations of Claims 2-5 and 10-13 are incorporated into their respective independent claims and, therefore, are cancelled.

Accordingly, for the reasons mentioned above, independent Claims 1 and 9, as well as their respective dependent claims are non-obvious over the prior art. Applicant respectfully requests that the rejection to Claims 1, 6-9 and 14-16 be withdrawn.

## **CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



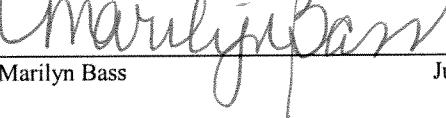
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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.



Marilyn Bass

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